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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages 88]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Verf'd Dec. w/Eng. X-latn Drawing(s) (35 U.S.C. 113) [Total Sheets 21]
- Oath or Declaration [Total Pages 02]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

Attorney Docket No. 500.34077CC3

First Inventor Atsushi MAKI et al.

Title Optical System For Measuring Metabolism

Express Mail Label No.

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement *(when there is an assignee)* Power of Attorney
11. English Translation Document *(if applicable)*
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Letter to Official Drafts.....
person and Form PTO-2038..

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

of prior application No. 09 / 203,610

Prior application information:

Examiner E. Mantis Mercader

Group Art Unit: 3737

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/>	Customer Number or Bar Code Label	020457 <i>(Insert Customer No. or Attach bar code label here)</i>
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or Correspondence address below

Name	ANTONELLI, TERRY, STOUT & KRAUS, LLP				
Address	1300 North Seventeenth Street				
	Suite 1800		State	Virginia	
City	Arlington	State	Virginia	Zip Code	22209
Country	USA	Telephone	703-312-6600	Fax	703-312-6666

Name (Print/Type)	Paul J. Skwierawski	Registration No. (Attorney/Agent)	32,173
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Signature			
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Date 9 July 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 710)

Complete if Known	
Application Number	Unassigned
Filing Date	9 July 2001
First Named Inventor	Atsushi MAKI et al.
Examiner Name	Unassigned (Parent-E. Mantis Mercader)
Group / Art Unit	Unassigned (Parent-3737)
Attorney Docket No.	500.34077CC3

METHOD OF PAYMENT (check one)					FEE CALCULATION (continued)																																																																																																																																																																									
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 01-2135 (Order No. 500.34077CC3)</p> <p>Deposit Account Name ANTONELLI, TERRY, STOUT & KRAUS, LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>					<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65 Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25 Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130 Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520 For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920* Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840* Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55 Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195 Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445 Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695 Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945 Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155 Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155 Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135 Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510 Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55 Petition to revive - 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SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	Paul J. Skwierawski	Registration No. Attorney/Agent)	32,173	Telephone	703-312-6636 (Direct Dial)	
Signature				Date	9 July 2001	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Atsushi MAKI *et al.*

Serial No.: Unassigned (§53b Continuation of 09/203,610 filed 2 December 1998)

Filed: 9 July 2001

For: OPTICAL SYSTEM FOR MEASURING
METABOLISM IN A BODY AND IMAGING METHOD

Group: Unassigned (Parent Application AU 3737)

Examiner: Unassigned (Parent Application Examiner E. Mantis Mercader)

LETTER TO THE OFFICIAL DRAFTSPERSON

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Ms. Bridget Gray

9 July 2001

Sir:

In the matter of the above-identified application, Applicants hereby submit twenty-one (21) pages of formal drawings for Figures 1-10, 11A, 11B, 12A, 12B, 13-16, 17A, 17B and 18-23.

Approval and entry of the attached formal drawings are courteously solicited.

Respectfully submitted,



Paul J. Skwierawski, Registration No. 32,173
Carl I. Brundidge, Registration No. 29,621
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street, Suite 1800
Arlington, VA 22209
Telephone 703-312-6600
Facsimile 703-312-6666

ATTACHMENTS: Formal Drawings (21 sheets)-FIGs. 1-23